

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

JERRY LEON DEES, JR.,

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Plaintiff,

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Vs.

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CASE NO.

2:07-cv-00306-MHT-CSC

HYUNDAI MOTOR MANUFACTURING
ALABAMA, LLC, and HYUNDAI
MOTOR AMERICA, INC.,

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Defendants.

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**PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANTS' OBJECTION/NOTICE
OF POTENTIAL SCHEDULING CONFLICT**

Pursuant to Section 15(D) of the Uniform Scheduling Order (Doc. 19), Plaintiff JERRY LEON DEES, JR. (Dees) files the following objection to **DEFENDANTS' OBJECTION/NOTICE OF POTENTIAL SCHEDULING CONFLICT REGARDING DEADLINES SET FORTH IN UNIFORM SCHEDULING ORDER** (Doc. 23). Dees further states:

1. Defendants have filed the above-referenced pleading citing a purported "conflict" in the Uniform Scheduling Order entered in this case. Defendants contend that the pretrial conference and trial dates established by the Uniform Scheduling Order **now** conflict with another case involving the one of the same defendants.
2. Dees submits that Defendants knew of this purported conflict prior to agreeing with Dees on the proposed trial date. Specifically, the parties held the planning meeting pursuant to Fed.R.Civ.P. 26(f), at which the Defendants proposed the March 31, 2008 trial setting. Based on the parties' **joint** agreement, they submitted the Report of Parties'

Planning Meeting (Doc. 18) to the Court for assistance in formulating and entering a scheduling order.

3. Dees proposed a trial setting earlier than the March 31, 2008 civil trial docket, but agreed to the March 31, 2008 date as an accommodation to Defendants' counsel, who sought the March date due to their schedule.

4. Now, Defendants propose to delay this cause even further if "both cases remain active through pretrial and trial date..." (Doc. 23, ¶ 4)

5. By Defendants' own admission, the Uniform Scheduling Order in the Smith case was entered on January 12, 2007 (Doc. 23, ¶ 3). The Defendants, therefore, had full knowledge of the "conflict" when they agreed to the trial date requested in the Report of Parties' Planning Meeting that ultimately became the trial date included in the Uniform Scheduling Order in this case.

WHEREFORE, for the foregoing reasons, Dees respectfully objects to Defendants raising this "conflict" at this time and asking for potential relief from a scheduling situation they created, and respectfully moves the Court to deny any requested extension of the trial date because of this purported conflict.

s/ Jeffrey R. Sport
Jeffrey R. Sport (SPORJ5390)

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CERTIFICATE OF SERVICE

I do hereby certify that I have on the 8th day of June, 2007, electronically filed the foregoing pleading with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

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